

JUN 19 2006

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

CAUSE NO. C-1566

## JURISDICTION

- ## STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Conseco Health Insurance Company, Cause Number C-1566 on April 6, 2006. A copy of the petition was served upon the Respondent, at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. The petition alleges that Respondent violated Neb. Rev. Stat. §§44-1524, 44-1525(11), 44-1539 and Title 210 NAC Ch. 61 §006.02, as a result of the following conduct:

- a. Pursuant to an investigation regarding a claim by a complainant, Barbara Ems, an insurance investigator with the Nebraska Department of Insurance, wrote Respondent a letter on February 21, 2006 asking a series of questions. In the letter, Ems requested that Respondent respond by March 18, 2006.
- b. Respondent requested, on March 16, 2006, an extension of time to answer. The extension was granted until March 30, 2006. Ems made it clear that no further extensions would be granted due to Respondent, on several previous occasions, requesting numerous extensions and, at times, failing to respond after the requested extension date had passed.
- c. Respondent contacted Ems on March 30, 2006, to request yet another extension. It was not granted.
- d. Respondent failed to respond to the February 21, 2006 letter, sent by the Nebraska Department of Insurance.

3. Respondent was informed of the right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving its right to a public hearing, Respondent also waives its right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits that it violated Neb. Rev. Stat. §§44-1524, 44-1525(11), 44-1539 and Title 210 NAC Ch. 61 §006.02.

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NEBRASKA DEPARTMENT OF  
INSURANCE

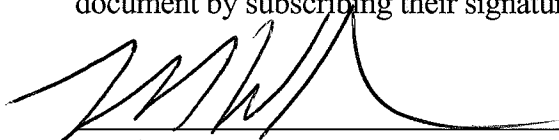
CONCLUSIONS OF LAW

The conduct of Respondent, as alleged above, constitutes violations of Neb. Rev. Stat. §§44-1524, 44-1525(11), 44-1539 and Title 210 NAC Ch. 61 §006.02.

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, that Respondent shall pay an administrative fine in the amount of two hundred and fifty dollars (\$250) within thirty days after the Director approves this consent order. If Respondent fails to pay the two hundred and fifty dollar fine within the time limits specified, Respondent shall automatically be fined \$15,000 and that fine shall be due immediately upon the request of the Nebraska Department of Insurance. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing their signatures below.



Martin W. Swanson, #20795  
Department of Insurance  
941 "O" Street, Suite 400  
Lincoln, Nebraska 68508  
(402) 471-2201

16 JUNE 06  
Date



Conseco Health Insurance Company

6/15/06  
Date

RECEIVED  
JUN 16 2006  
INSURANCE DIVISION  
STATE OF NEBRASKA

State of Indiana )  
County of Marion ) ss.

RENEE WAKE  
Notary Public, State of Indiana  
County of Marion  
My Commission Expires Sep. 02, 2008

On this 15<sup>th</sup> day of June, 2006, Consec Health Insurance Company personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

Renee Wake  
Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs. Consec Health Insurance Company, Cause No. C-1566.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE  
L. Tim Wagner  
L. TIM WAGNER  
Director of Insurance

6/19/06  
Date

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent at 11815 N. Pennsylvania Street, P.O. Box 1911, Carmel, IN 46082-1911, by certified mail, return receipt requested on this 20<sup>th</sup> day of June, 2006.

Tracy A. Stuma